

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Leslie Allen,	:	
Plaintiff,	:	Case No. _____
-vs-	:	Judge _____
Dolgen Midwest, LLC, dba	:	Magistrate Judge _____
Dollar General, <i>et al.</i>	:	
Defendants.	:	

NOTICE OF REMOVAL

Defendant Dolgen Midwest, LLC dba Dollar General, (improperly captioned) (hereinafter referred to as “Defendant Dolgen Midwest”), hereby files this Notice of Removal, pursuant to 28 U.S.C. § 1441, with the United States District Court for the Southern District of Ohio, Eastern Division. As grounds for removal, Defendant Dolgen Midwest states as follows:

1. This case was commenced and is now pending in the Common Pleas Court of Belmont County, designated as case number 19 CV 345 on the docket, a true and accurate copy of which is attached hereto as Exhibit A.
2. The Complaint was filed on September 20, 2019. Defendant Dolgen Midwest was served on September 23, 2019. Defendant Dolgen Midwest filed an Answer to Plaintiff’s Complaint on October 11, 2019. A true and accurate copy of the Complaint and Answer are attached hereto as Exhibit B.
3. At the time of Plaintiff’s commencement of this action, Plaintiff was a citizen of the State of Ohio.

4. Defendant Dolgen Midwest is a foreign corporation organized and existing under the laws of the State of Tennessee. It was, at the time of commencement of this action, and still is, a non-citizen, having its principal place of business in the state of Tennessee.
5. Defendant BI Imperial, LLC, is a foreign corporation organized and existing under the laws of the State of Delaware. It was, at the time of commencement of this action, and still is, a non-citizen, having its principal place of business in the state of Delaware.
6. Thus, as between Plaintiff and both Defendants, the controversy is wholly between citizens of different states.
7. The United States District Court, pursuant to the provisions of 28 U.S.C. § 1332, has jurisdiction over this action because there is complete diversity, and, upon information and belief, the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Counsel for Defendant Dolgen Midwest has confirmed this with Plaintiff's counsel in writing. A true and accurate copy of the email from Plaintiff's counsel is attached hereto as Exhibit C.
8. Plaintiff alleges in her Complaint that she sustained "severe and disabling personal injuries" and has lost the ability to function. Plaintiff contends these are continuing injuries. As a result, the amount in controversy is clearly in excess of \$75,000.00. See Exhibit B.
9. Pursuant to 28 U.S.C. § 1446(b)(2)(A), Defendant Dolgen Midwest has obtained co-defendant BI Imperial's consent for removal of this action. A true and accurate copy of the written consent from Defendant BI Imperial, LLC's counsel is attached hereto as Exhibit D.
10. This Notice is filed pursuant to 28 U.S.C. § 1441 within the time limits prescribed by 28 U.S.C. § 1446(b).

11. Defendant will give written notice of the filing of this notice as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Dolgen Midwest, LLC, provides notice that this action is removed to the United States District Court for the Southern District of Ohio, Eastern Division pursuant to 28 U.S.C. §§ 1441 and 1446, and that the Common Pleas Court of Franklin County, Ohio, shall proceed no further unless this case is remanded.

Respectfully submitted,

/s/ Patrick Kasson

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*Counsel for Defendant, Dolgen Midwest,
LLC dba Dollar General*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document was served via electronic and/or regular U.S. mail this 23rd day of October, 2019 upon the following:

Kevin M. Pearl, Esq.
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/s/ Patrick Kasson

Patrick Kasson (0055570)